

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO

DENNIS W. WILLINGHAM,

Plaintiff,

vs.

CIV NO. 09-0172 CG

MICHAEL J. ASTRUE,
Commissioner of the
Social Security Administration,

Defendant.

ORDER GRANTING EAJA FEES

THIS MATTER is before the Court on Plaintiff's *Motion for Award of Attorney's Fees Pursuant to the EAJA* (Doc. 26) and its accompanying *Affidavit* of attorney time (Doc. 26-1). Defendant filed his response and he does not oppose the motion. (Def's Resp., Doc. 27.)

IT IS THEREFORE ORDERED that Defendant shall pay to Plaintiff the sum \$6,964.10 (Six Thousand and Nine Hundred Sixty-four Dollars and Ten Cents) in attorney fees in full satisfaction of any claim for fees, costs, and other expenses pursuant to the Equal Access to Justice Act, 28 U.S.C. § 2412. In the event that Plaintiff's counsel is ultimately granted attorney fees pursuant to 42 U.S.C. § 406(b), counsel shall refund the smaller award to Plaintiff. See *Gisbrecht v. Barnhart*, 535 U.S. 789, 796 (2002).

IT IS SO ORDERED.



THE HONORABLE CARMEN E. GARZA
UNITED STATES MAGISTRATE JUDGE